

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Seo, et al.  
Application No. : 10/534,521  
Filed : May 11, 2005  
Title : STRUCTURE OF INTERMEDIATE WALL OF THREE ARCH  
EXCAVATED TUNNEL AND METHOD FOR  
CONSTRUCTING THE SAME  
  
TC/A.U. : 3671  
Examiner : Tara L. Mayo  
Confirmation No. : 5082  
Docket No. : 673-27 PCT/US  
Dated : August 7, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of EFS-Web Transmission**

I hereby certify that this correspondence is being transmitted  
to the U.S. Patent and Trademark Office via the Office's  
electronic filing system on August 7, 2008.

Melinda A. Kerrigan

(Printed Name)

Signature: /melinda a. kerrigan/

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed February 26, 2008, finally rejecting Claims 10-17, a Response to which was filed on April 24, 2008, within two months of the date of the Office Action. Applicants have received no action from the Patent and Trademark Office with respect to the filed Response. As such, Applicants do not believe a Petition for an Extension of Time is required. However, Applicants submit herewith a Petition for Three-Month Extension of Time in the event an Extension of Time is required.

The item(s) checked below are appropriate:

**I. STATUS OF APPLICANTS**

This application is on behalf of

- ☐ other than a small entity.  
☒ small entity.

A verified statement claiming small entity status

- ☐ is attached.  
☐ was already filed on \_\_\_\_\_.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/> [X]	small entity	\$255.00
<input type="checkbox"/> [ ]	other than small entity	\$510.00

Notice of Appeal fee due **\$255.00**

3. **EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

- (A) ☒ [X] Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension (months)	Fee for Other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
<input type="checkbox"/> [ ]	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> [ ]	two months	\$ 460.00	\$230.00
<input checked="" type="checkbox"/> [X]	three months	\$1,050.00	\$525.00
<input type="checkbox"/> [ ]	four months	\$2,230.00	\$1,115.00

Fee due for indicated extension **\$ 525.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

Extension fee due with this request **\$ 525.00**

OR

- (B) ☐ [ ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ <b><u>255.00</u></b>	
Extension fee (if any)	\$ <b><u>525.00</u></b>	
TOTAL FEE DUE		\$ <b><u>780.00</u></b>

5. FEE PAYMENT

☐ Attached is a check in the sum of \$\_\_\_\_\_.

☒ Charge Account No. 08-2461 the sum of \$ 780.00

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

☒ If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

☒ If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,

/rod s. turner/

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